

**MINUTES**  
**STATE HUMAN RIGHTS COMMITTEE**

Western State Hospital  
1301 Richmond Road  
Jeffreys Building, Room 86/87  
Staunton, Virginia  
24401

**Friday, March 9, 2012**

**Tour of New Hospital**  
**8:30 a.m.**

**Tour** At 8:30 Jack Barker, Facility Director, Western State Hospital, gave a tour of the construction site of the new hospital at WSH. Members present were T.C. Bullock, Penny Cameron, Carolyn DeVilbiss, Randy Johnsey, Don Lyons, Frank Royal.

Construction of the new hospital is scheduled for completion in the Fall of 2013. The layout of the hospital will allow patients to move about more freely than at present.

**Administrative Session**  
**9:05 a.m.**

**Members Present** Christina Delzingaro, **Chair**, Randy Johnsey, **Vice-Chair**, T.C. Bullock, Penny Cameron, , Carolyn DeVilbiss, Donald Lyons, Jannie Robinson and Frank Royal

**Members Excused** Joseph Lynch

**OHR Staff** Karen DeSousa, DBHDS Special Counsel  
Michael Curseen, Region 4 Human Rights Regional Advocate  
Deb Lochart, Human Rights Regional Advocate, Region 2

Kli Kinzie, Secretary, Office of Human Rights  
Jennifer Kovack, Human Rights Advocate  
Tammy Long, Human Rights Advocate  
Dwayne Lynch, Human Rights Advocate  
B.J. McKnight, Human Rights Advocate  
Nancy C. Neese, Human Rights Regional Advocate, Region 3  
Kevin Paluszak, Human Rights Regional Advocate, Region 6  
Mark Seymour, Human Rights Advocate  
Margaret Walsh, Director, Office of Human Rights

**Other DBHDS  
Staff**

Jack Barber, Facility Director, Western State Hospital (WSH)  
Meggan Monaghan, Risk Manager/Safety Manager, (Commonwealth Center  
for Children and Adolescents (CCCA)  
Bill O'Bier, Facility Operations Specialist - Medical, Behavioral Health  
Michael Schaefer, Director, Office of Forensic Services  
William J. Tuell, Facility Director, CCCA  
Ann Wally, Psychiatrist, WSH  
Richard Willis, Clinical Psychiatrist, WSH  
J.D., Patient, WSH  
Ms. Kim, Interpreter for the Deaf, WSH  
Ms. Ellen, Human Rights Liaison for the Director, WSH

**Others**

Heidi N. Campbell, Member, WSH LHRC and Valley LHRC  
John Cimino, Intern, Virginia Office of Protection and Advocacy  
Vicki Cash Graff, LCSW, CSOTP, Private Mental Health Provider  
Erin Haw, Disability Rights Advocate, Virginia Office of Protection and  
Advocacy (VOPA)  
Josephene Johnsey, Interested Party  
Hal Meyers, Vice-Chair, WSH LHRC  
Mark Stevens, Disability Rights Advocate, VOPA  
Jim Strock, Member, CCCA LHRC  
Robert Wade, Member, WSH LHRC

**Present via  
Teleconference**

Reginald Daye, Regional Human Rights Advocate, Region 5  
Stewart Prost, Human Rights Advocate  
Hillary Zaneveld, Human Rights Advocate  
Janet Lung, Dir, Child & Family Svcs  
Les Saltzberg, Director, Licensing  
Emily McClellan, Policy Division, DMAS

At 9:05 a.m. Christina Delzingaro called the March 9, 2012 State Human Rights Committee meeting to order. Introductions took place prior to proceeding.

**Approval of  
Agenda**

*Upon a motion the March 9, 2012 revised agenda was approved unanimously.*

**Information**

The SHRC reviewed and acknowledged receipt of copies correspondence

processed since the last SHRC meeting.

**Goals Workplan** At 9:09 the SHRC reviewed the Goals Workplan spreadsheet. Karen DeSousa will provide an update on the Healthcare Decisions Act at the April 20, 2012 meeting at Central Virginia Training Center.

Ms. Walsh asked the committee to review their goals and provide feedback regarding updates that should be made to reflect the direction of the committee for the next two years. Members should be prepared to suggest changes to the goals worksheet at the April 20 meeting.

**SHRC Annual Report** At 9:12 Margaret Walsh opened discussion of the Draft SHRC Annual Report and asked for feedback. More discussion is planned for the April 20, 2012 meeting. Members should be prepared to suggest changes to the draft at the April 20 meeting.

**Discussion of Newsletter** At 9:16, the SHRC reviewed and discussed the draft newsletter. An update on the DOJ settlement will be added. Requested change will be sent to Joseph Lynch.

**VCBR Administrative Segregation** At 9:22 the SHRC discussed the draft revision submitted by Joseph Lynch with input from Karen DeSousa and SHRC members. Mr. Lynch has worked to draft a document that represents a balance of the SHRC members' responses to VCBR's policy.

The SHRC requested the addition of a quarterly report on the utilization of the policy. The report should include data sets for length of time an individual is kept in segregation, types of behavior that leading to segregation, outcomes of the intervention, etc., other data the Risk Manager can report.

**LHRC Vacancy Tracking** At 9:39 Christina Delzingaro thanked OHR staff for keeping the tracking sheet up to date and for their efforts to fill vacancies.

**Adjournment** At 9:39 the Administrative Session Adjourned.

### **Regular Session** **9:39 a.m.**

**Members Present** Christina Delzingaro, **Chair**, Randy Johnsey, **Vice-Chair**, T.C. Bullock, Penny Cameron, , Carolyn DeVilbiss, Donald Lyons, Jannie Robinson and Frank Royal

**Members Excused** Joseph Lynch

**OHR Staff** Karen DeSousa, DBHDS Special Counsel  
Michael Curseen, Region 4 Human Rights Regional Advocate

Deb Lochart, Human Rights Regional Advocate, Region 2  
 Kli Kinzie, Secretary, Office of Human Rights  
 Jennifer Kovack, Human Rights Advocate  
 Tammy Long, Human Rights Advocate  
 Dwayne Lynch, Human Rights Advocate  
 B.J. McKnight, Human Rights Advocate  
 Nancy C. Neese, Human Rights Regional Advocate, Region 3  
 Kevin Paluszak, Human Rights Regional Advocate, Region 6  
 Mark Seymour, Human Rights Advocate  
 Margaret Walsh, Director, Office of Human Rights

**Other DBHDS Staff** Jack Barber, Facility Director, Western State Hospital (WSH)  
 Bill O'Bier, Facility Operations Specialist - Medical, Behavioral Health  
 Meggan Monaghan, Risk Manager/Safety Manager, (Commonwealth Center  
 for Children and Adolescents (CCCA)  
 John Pezzoli, Assistant Commissioner, Behavioral Health  
 Michael Schaefer, Director, Office of Forensic Services  
 William J. Tuell, Facility Director, CCCA

**Others** Heidi N. Campbell, Member, WSH LHRC and Valley LHRC  
 John Cimino, Intern, Virginia Office of Protection and Advocacy  
 Vicki Cash Graff, LCSW, CSOTP, Private Mental Health Provider  
 Erin Haw, Disability Rights Advocate, Virginia Office of Protection and  
 Advocacy (VOPA)  
 Josephene Johnsey, Interested Party  
 Hal Meyers, Vice-Chair, WSH LHRC  
 Mark Stevens, Disability Rights Advocate, VOPA  
 Jim Strock, Member, CCCA LHRC  
 Robert Wade, Member, WSH LHRC

**Present via  
Teleconference** Reginald T. Daye, Regional Advocate, Region 5, DBHDS  
 Tony Foy- Program Supervisor, The Recovery Center, Va Beach Department  
 of Human Services  
 Dee Keenan, LCSW, Director, QA Office, Va Beach Department of Human  
 Services  
 Stewart Prost, Human Rights Advocate, DBHDS  
 Hillary Zaneveld, Human Rights Advocate, DBHDS

**Call to Order** At 9:39 Christina Delzingaro called the Regular Session of the March 9,  
 2012 SHRC meeting to order.

**Approval of Draft  
Minutes** *At 9:39 upon a motion by T.C. Bullock the SHRC unanimously approved the  
 minutes of the January 27, 2012 SHRC meeting with corrections.*

**Request for  
Extension to File  
for Appeal** *At 9:45 upon a motion by T.C. Bullock and seconded by Randy Johnsey the  
 SHRC unanimously approved the request for extension to file for Appeal  
 received from Western State Hospital LHRC.*

<b>Annual Report Region 5</b>	At 9:45 Reginald T. Daye, Regional Advocate, Region 5, Hillary Zaneveld, Human Rights Advocate, and Stewart Prost, Human Rights Advocate presented the annual report for Region 5.
<b>Annual Report Region 3</b>	At 10:00 Nancy C. Neese, Regional Advocate, Region 3, introduced BJ McKnight, Human Rights Advocate, and Dwayne Lynch, Human Rights Advocate who is a new DBHDS employee. Ms. Neese presented the annual report for Region 3.
<b>Break</b>	At 10:15 Christina Delzingaro called for a ten minute break.
<b>Public Comment Period</b>	<p>At 10:25 the meeting reconvened.</p> <p>On behalf of the Resident Advisory Council of Virginia Center for Behavioral Rehabilitation (VCBR) Tammy Long, Human Rights Advocate, thanked the SHRC for their continuing efforts in protecting the rights of VCBR residents.</p> <p>Mark Seymour, Human rights Advocate, welcomed the SHRC to Staunton. Mr. Seymour thanked members for touring the site of the new facility at Western State Hospital, and thanked the community providers and LHRC members present for attending the SHRC meeting.</p> <p>Karen DeSousa discussed the DOJ settlement. Written comments on the proposed settlement will be accepted until April 6, 2012.</p>
<b>Variance: Va Beach Dept of Human Services</b>	<p>At 10:30 Reginald T. Daye, Regional Human Rights Advocate, Region 5, introduced Tony Foy, Program Supervisor, The Recovery Center, Va Beach Department of Human Services, and Dee Keenan, LCSW, Director, Quality Assurance Office, Va Beach Department of Human Services. Dee Keenan presented the Variance request for Virginia Beach Department of Human Services. The program is requesting a variance to 12 VAC 35-115-50, C7 &amp; C8, Dignity, for the Residential Crisis Stabilization Program.</p> <p>Reginald Daye reported that Virginia Beach LHRC reviewed the Variance at the regularly scheduled meeting on February 9, 2012, and voted to recommend approval. Mr. Daye stated also that he recommends approval of the Variance.</p> <p><i>Upon a motion by Randy Johnsey and seconded by T.C. Bullock the SHRC approved the Variance to 12 VAC 35-115-50, C7 &amp; C8, for Virginia Beach Department of Human Services for a 2 year period with annual report to be submitted in writing to the SHRC on the anniversary of the approval date. The motion passed unanimously.</i></p>
<b>Review of Restrictive Treatment Plan</b>	At 10:45 the SHRC reviewed the restrictive treatment plan for J.D. Mark Seymour was present to represent J.D. and present the treatment plan.

*Upon a motion the SHRC convened in closed session pursuant to Virginia Code §2.2-3711(15) for the purpose of discussion and consideration of medical and mental records.*

*Upon reconvening each member certified that to the best of each member's knowledge only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the closed session were discussed in closed session.*

*Upon a motion by Carolyn DeVilbiss and seconded by T.C. Bullock, the SHRC unanimously approved the Restrictive Treatment Plan for J.D.*

**Children's  
Services and  
VICAP**

At 11:00 the SHRC welcomed a discussion in follow-up to questions regarding children's services and VICAP. Janet Lung, Director of Child & Family Services, Les Saltzberg, Director of Licensing, and Emily McClellan, Policy Division, DMAS, were present via teleconference to discuss issues relative to children's services and transitioning from children's services into adult services, etc.

**Patient Funds and  
Forensic Waiting  
Lists/Flow Thru at  
State Facilities**

At 11:30 John Pezzoli, Assistant Commissioner, Behavioral Health Services, provided an update on activities related to patient funds, forensic waiting lists and flow thru at facilities.

**Break for Lunch**

*12:00 BREAK FOR LUNCH*

**SHRC Sub-Committee Reports**

**LHRC Structure**

There was no report from the Committee on LRHC Structure.

**Communications**

No further report from the Committee on Communications.

**SHRC Membership  
and Officers**

Frank Royal reported that four candidates have submitted applications for membership on the SHRC. The committee continues to work on recruiting membership.

Dr. Royal briefed the SHRC on his poll of members for officers for the upcoming term. The committee continues to work with the current membership and will present a slate of officers for consideration at an upcoming meeting.

**Reporting on  
Attending LHRC  
Meetings**

Christina Delzingaro attended an LHRC meeting in her catchment area. T.C. Bullock is coordinating with Kevin Paluszak, Regional Advocate, and will attend LHRC meetings in Region 6.

**LHRC  
Membership  
Appointments:**

*Upon a motion by Randy Johnsey and seconded by T.C. Bullock the SHRC convened in closed session pursuant to Virginia Code §2.2-3711(1) for the purpose of discussion and consideration of appointments, reappointments and personnel issues.*

*Upon reconvening each member certified that to the best of each member's knowledge only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the closed session were discussed in closed session.*

The SHRC acknowledged the resignation of Ms. T'Juana Gholson from ESH LHRC

*Upon unanimous motion the SHRC removed Mr. Jerry Murry from Portsmouth Regional LHRC.*

*Upon a motion by Randy Johnsey the SHRC unanimously made the following appointments:*

Region 1

Region Ten CSB LHRC

Appoint: Mr. Cali Gatson

Rockbridge Area CSB LHRC

Appoint: Ms. Dorothy Thomas

Western State Hospital LHRC

Reappoint: Mr. Mahlon Webb, Mr. Robert Wade

Region 4

ANUE LHRC

Appoint: Ms. Sheila Bonner Massenburg

Region 5

Eastern Virginia Regional LHRC

Reappoint: Mr. Mathew D. Albright

Hampton Roads Regional LHRC

Appoint: Ms. Gail E. Schreiner

Peninsula Regional LHRC

Reappoint: Ms. Victoria Whitaker

Portsmouth Regional LHRC

Appoint: Mr. Nelson Otto Slater, Jr.

Virginia Beach Area LHRC

Appoint: Mr. Joseph P. Yule

**Adjournment**

*At 2:00 the March 9, 2012 SHRC meeting adjourned.*

The next SHRC meeting will be held on Friday, April 20, 2012 at CVTC in Lynchburg.

Respectfully Submitted:

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Christina Delzingaro, Chairperson

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Kli Kinzie, Secretary